



#3

Docket Number: **BUV-006.01**

### DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

#### *Biglycan and Related Therapeutics and Methods of Use*

the specification of which (check one): ☐ is attached hereto.

☒ was filed on November 17, 2000 as United States Application Number 09/715,836.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulation, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

|                   |                    |                                 |  |
|-------------------|--------------------|---------------------------------|--|
| _____<br>(Number) | _____<br>(Country) | _____<br>(Day/Month/Year Filed) | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| _____<br>(Number) | _____<br>(Country) | _____<br>(Day/Month/Year Filed) | <input type="checkbox"/> Yes <input type="checkbox"/> No |

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States Provisional application(s) listed below.

|   |   |
|---|---|
| <u>60/166,253</u><br>(Application Number) | <u>November 18, 1999</u><br>(Filing Date) |
|---|---|

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

|                               |                        |   |
|-------------------------------|------------------------|---|
| _____<br>(Application Number) | _____<br>(Filing Date) | _____<br>(Status: patent, pending, abandoned) |
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I hereby appoint; Isabelle M. Clauss, Reg. No. P-47,326; Beth E. Arnold, Reg. No. 35,430; Edward J. Kelly, Reg. No. 38,936; Kirk Damman, Reg. No. 42,461; Stephen B. Deutsch, Reg. No. 46,663; Jason Gish, Reg. No. 42,581; Dana M. Gordon, Reg. No. 44,719; Robert A. Greenberg, Reg. No. 44,133; David P. Halstead, Reg. No. 44,735; Jennifer K. Holmes, Reg. No. 46,778; Edward J. Kelly, Reg. No. 38,936; David A. Lane, Reg. No. 39,261; W. Hugo Liepmann, Reg. No. 20,407; Robert A. Mazzaresse, Reg. No. 42,852; James T. Olesen, Reg. No. 46,967; Kevin A. Oliver, Reg. No. 42,409; Chinh H. Pham, Reg. No. 39,329; Wolfgang E. Stutius, Reg. No. 40,256; Kingsley L. Taft, Reg. No. 43,946; Anita Varma, Reg. No. 43,221; Matthew P. Vincent, Reg. No. 36,709; Sharon Webb, Reg. No.

47,172; and John L. Welch, Reg. No. 28,129 as attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all telephone calls to Isabelle M. Clauss at telephone number (617) 832-1000.

Address all correspondence to: Patent Group  
Foley, Hoag & Eliot LLP  
One Post Office Square  
Boston, Ma. 02109-2170

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor (given name, family name) Justin R. Fallon  
Inventor's signature [Signature] Date 4/11/01  
Residence 62 Massachusetts Avenue, Harvard, MA 01451  
Citizenship USA  
Post Office Address: P.O. Box 266

Full name of second inventor (given name, family name) Beth McKechnie  
Inventor's signature [Signature] Date 4/30/01  
Residence 6 Kerrie Circle, Franklin, MA 02038  
Citizenship USA  
Post Office Address: same as above

Full name of third inventor (given name, family name) Michael Rafii  
Inventor's signature [Signature] Date 4/30/01  
Residence 1978D Village Green South, Riverside, RI 02912  
Citizenship USA  
Post Office Address: same as above

Full name of fourth inventor (given name, family name) Hilliary Creely  
Inventor's signature [Signature] Date 05.01.01  
Residence 371 Angel Street, Providence RI 02906  
Citizenship USA  
Post Office Address: same as above

Full name of fifth inventor (given name, family name) Mark A. Bowe  
Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence 15910 Yukon Lane, Derwood, MD 20855  
Citizenship USA  
Post Office Address: same as above

Full name of sixth inventor (given name, family name) Raymond Ferri  
Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence 42 Charlesfield Street, Providence, RI 02912  
Citizenship USA  
Post Office Address: same as above



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☐ Yes ☐ No  
☐ Yes ☐ No

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| <u>60/166,253</u>    | <u>November 18, 1999</u> |
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Post Office Address: same as above

Full name of fifth inventor (given name, family name) Mark A. Bowe  
Inventor's signature [Signature] Date 4/23/01  
Residence 15910 Yukon Lane, Derwood, MD 20855 25220 Chimney House Ct, Damascus, MD 20872-2358  
Citizenship USA 1198  
Post Office Address: same as above 4/23/01

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Post Office Address: same as above

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Inventor's signature [Signature] Date 4/27/01  
Residence 42 Charlesfield Street, Providence, RI 02912  
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Post Office Address: same as above

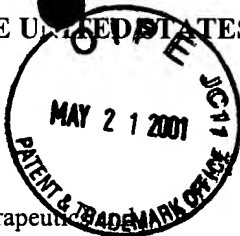
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Fallon et al.

Serial No: 09/715,836

Filed: November 17, 2000

Title: Biglycan and Related Therapeutic  
Methods of Use



Attorney Docket Number (Optional) - BUUV-006.01

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c))—NONPROFIT ORGANIZATION**

I HEREBY DECLARE THAT I AM AN OFFICIAL EMPOWERED TO ACT ON BEHALF OF THE NONPROFIT ORGANIZATION IDENTIFIED BELOW:

Name of Nonprofit Organization: BROWN UNIVERSITY RESEARCH FOUNDATION

Address of Nonprofit Organization: 42 CHARLESFIELD STREET, BOX 1949, PROVIDENCE, RI 02912

**TYPE OF NONPROFIT ORGANIZATION:**

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501 (c)(3))  
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
 (STATE: \_\_\_\_\_) (CITATION OF STATUTE \_\_\_\_\_)  
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA  
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA

I HEREBY DECLARE THAT THE NONPROFIT ORGANIZATION IDENTIFIED ABOVE QUALIFIES AS A NONPROFIT ORGANIZATION AS DEFINED IN 37 CFR 1.9(E) FOR PURPOSES OF PAYING REDUCED FEES TO THE UNITED STATES PATENT AND TRADEMARK OFFICE REGARDING THE INVENTION IDENTIFIED ABOVE.

I HEREBY DECLARE THAT RIGHTS UNDER CONTRACT OR LAW HAVE BEEN CONVEYED TO AND REMAIN WITH THE NONPROFIT ORGANIZATION REGARDING THE ABOVE-IDENTIFIED INVENTION.

IF THE RIGHTS HELD BY THE NONPROFIT ORGANIZATION ARE NOT EXCLUSIVE, EACH INDIVIDUAL, CONCERN OR ORGANIZATION HAVING RIGHTS IN THE INVENTION IS LISTED BELOW\* AND NO RIGHTS TO THE INVENTION ARE HELD BY ANY PERSON, OTHER THAN THE INVENTOR WHO WOULD NOT QUALIFY AS AN INDEPENDENT INVENTOR UNDER 37 CFR 1.9(C) IF THAT PERSON MADE THE INVENTION, OR BY ANY CONCERN WHICH WOULD NOT QUALIFY AS A SMALL BUSINESS CONCERN UNDER 37 CFR 1.9(D) OR A NONPROFIT ORGANIZATION UNDER 37 CFR 1.9(E).

\*NOTE: SEPARATE VERIFIED STATEMENTS ARE REQUIRED FROM EACH NAMED PERSON, CONCERN OR ORGANIZATION HAVING RIGHTS TO THE INVENTION AVERRING TO THEIR STATUS AS SMALL ENTITIES (37 CFR 1.27)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I ACKNOWLEDGE THE DUTY TO FILE, IN THIS APPLICATION OR PATENT, NOTIFICATION OF ANY CHANGE IN STATUS RESULTING IN LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS PRIOR TO PAYING, OR AT THE TIME OF PAYING, THE EARLIEST OF THE ISSUE FEE OR ANY MAINTENANCE FEE DUE AFTER THE DATE ON WHICH STATUS AS A SMALL ENTITY IS NO LONGER APPROPRIATE. (37 CFR 1.28(B))

I HEREBY DECLARE THAT ALL STATEMENTS MADE HEREIN OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENT WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE, AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION, ANY PATENT ISSUING THEREON, OR ANY PATENT TO WHICH THIS VERIFIED STATEMENT IS DIRECTED.

NAME/TITLE OF PERSON SIGNING: \_\_\_\_\_

ADDRESS OF PERSON SIGNING: \_\_\_\_\_

SIGNATURE

*William T. Jackson*

DATE

*January 12, 2001*